

REMARKS

The office action mailed December 7, 2006 has been carefully considered. Within the office action Claims 1-9, 12-20, 22, 23 and 26-36 have been rejected. The Applicants have amended Claims 1, 4 and 12 and have canceled Claims 2 and 34-36. The Applicants reserve the right to pursue the canceled claims in the continuation and/or divisional application as well as for appeal purposes. In addition the Applicants have added new Claims 37-39. Reconsideration in view of the above amendments and following remarks is respectfully requested.

Objection to Drawings

Within the Office Action, Claim 1 and the drawings were objected to, because the term “coupling member” is allegedly not disclosed in the figures. The Applicants respectfully traverse. However, to expedite prosecution, Claim 1 has amended to now recite a flexure member, as recited as an embodiment in the Applicants’ specification. Accordingly, the objection is now overcome, and withdrawal of the objection is respectfully requested.

The 35 U.S.C. § 112, Second Paragraph Rejection

Claims 29, 32 and 36 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicants regards as the invention. This rejection is respectfully traversed.

Applicants’ specification discloses that the device is moveable about multiple degrees of freedom DF1, DF2, DF3, DF4, DF5, and DF6 in an embodiment. (Applicants’ specification, Figure 1; Paragraph 36). In addition, Applicants’ specification discloses that one or more sensors measure the movement of each portion of the linkage mechanism about the multiple degrees of freedom. (Applicants’ specification, Figure 1; Paragraph 37). Considering that the housing is

coupled to an end of the linkage in an embodiment, the one or more sensors are able to measure the movement and location of the housing along any of the measured degrees of freedom with respect to ground 24 or other stationary location. For at least these reasons, Applicants' specification provides the requisite support for the subject matter claimed in Claims 29, 32 and 36. Accordingly, the Applicants respectfully request that the rejection be withdrawn.

Judicially-created Double Patenting

Within the office action, Claims 1-9, 12-20, 22, 23, and 26-36 were rejected for allegedly being unpatentable under the non-statutory obviousness type double patent rejection of U.S. Patent No. 6,184,868. The Applicants respectfully traverse.

The Applicants have amended Claims 1 and 12 not for reasons related to the Double Patenting rejection. In addition, the Applicants have added new Independent Claim 37 which the Applicants submit may be patentably distinct from the claims in 6,184,868.

In addition, the Applicants would like to point out that the examiner has only made a comparison between only Claim 1 and US 6,184,868 and has yet to provide a comparison with regards to Claims 10, 12 and new Claim 37 in light of 6,184,868. M.P.E.P. 806.03. ("In passing upon questions of double patenting and restriction, it is the claimed subject matter that is considered and such claimed subject matter must be compared in order to determine the question of distinctness or independence.")

However, the Applicants are willing to submit a terminal disclaimer statement to overcome this rejection and will do so if the examiner finds that the currently pending claims are still not patentably distinct over US 6,184,868. Accordingly, the Applicants respectfully requests reconsideration of this rejection with the currently pending claims.

Rejection under U.S.C. § 102

Claims 1-9, 12-20, 23, 26-29, 31 and 32 stand rejected under 35 U.S.C. 102(b) as being allegedly anticipated by U.S. Patent No. 5,790,108 to Salcudean et al. (hereinafter referred to as “Salcudean”). The Applicants respectfully traverse.

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Salcudean fails to teach a fixed portion which is adapted to be engaged to a linkage mechanism, as recited in Claims 1, 12 and 37. In addition, Salcudean fails to disclose that the fixed portion of the housing is coupled to the linkage, as recited in Claims 38 and 39. Considering that Salcudean does not teach each and every element and/or limitation of the subject matter recited in independent Claims 1, 12 and 37, Claims 1, 12 and 37 are distinguishable over Salcudean. For at least these reasons, Claims 1, 12 and 37 are allowable over Salcudean.

Claims 3-9 are dependent on Independent Claim 1; and Claims 13-21 and 23-27 are dependent on Independent Claim 12. As stated above, Claims 1 and 12 are allowable over Salcudean. Accordingly, Claims 3-9 and 13-21 and 23-27 are allowable for being dependent on allowable base claims.

Rejection under 35 U.S.C. § 103

Within the office action Claim 22 stands rejected under 35 U.S.C. as being allegedly unpatentable over Salcudean. Claim 22 is dependent upon Claim 12 which is an independent claim. As stated above, Claim 12 is allowable over Salcudean. Accordingly, Claim 22 is allowable for being dependent on a base claim.

New Claims

Claims 37-39 have been added by the Applicants. The Applicants respectfully submit that the subject matter claimed in Claims 37-39 are fully supported by the specification and do not contain any new matter.

Conclusion


It is believed that this Response places the above-identified patent application into condition for allowance. Early favorable consideration of this Response is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

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